IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.3225 OF 2004

Suryakant Ashok
Rukadikar @ Akurdekar .. Applicant.
Vs.
State of Maharashtra .. Respondent.

Mr.A.P.Mundargi for the applicant.
Mr.A.S.Gadkari APP for the respondent.

CORAM : D.B.BHOSALE, J.

DATED : 24TH AUGUST, 2004

P.C.:

. Heard Mr.Mundargi, learned counsel for the applicant and Mr.Gadkari, learned A.P.P. for the respondent.

2. The applicant has approached this court for being released on bail in C.R.No. 153/2003 registered at Rajarampuri police station under section 302 read with 34 of Indian Penal Code. It is the prosecution case that on 29.12.2003 at about 3 pm deceased - Sadanand Salvi was murdered by all the accused persons. In so far as the present applicant is concerned, he allegedly assaulted the deceased with knife. I perused the statement of the complainant - Bhimrao. He has specifically attributed overt act to the applicant. According

to this witness, the applicant was armed with knife and gave blow on the stomach of the deceased. In view of this Mr.Mundargi, learned counsel for the applicant submitted that there was no stab injury on the stomach of the deceased. The post mortem notes clearly show that the deceased sufferred 3-4 injuries and all were on chest. An error committed by the witness in mentioning a blow on stomach instead of chest, at this stage, cannot be taken into account. Such error is possible and cannot be termed as serious. Keeping in view the overall facts and circumstances of the case and considering the statement of Bhimrao Salvi and post mortem report in particular, in my opinion, this is not a fit case to enlarge the applicant on bail. The application is rejected.

. While passing this order, I shall not be understood to have expressed any opinion on merits of the case. The trial court will deal with the case uninfluenced by the observations made in this order.

(D.B.Bhosale, J.)